REMARKS

Claims 1-20 are all the claims pending in the application. The Examiner rejects claims 1-17 and 19-20 under 35 U.S.C. §102(b) as being anticipated by Deguchi (US 5,716,730). Further, the Examiner rejects claim 18 as being unpatentable over Deguchi in view of Jaster (US 2,797,116). The Examiner further provisionally rejects claims 1 and 11 on the grounds of provisional nonstatutory obviousness-type double patenting over claim 1 of co-pending application No. 10/808,776.

Applicant appreciates acknowledgement of foreign priority under 35 U.S.C. §119(a)-(d).

Provisional Nonstatutory Obviousness-type Double Patenting

In response to the Examiner's provisional nonstatutory obviousness-type double patenting rejection of claims 1 and 11 over co-pending application No. 10/808,776, applicant concurrently files a terminal disclaimer.

§ 102(b) Rejection

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See*, MPEP 2131.

The present invention relates to a locking mechanism for securing a battery compartment cover to a mobile communications terminal body, wherein a single release device actuates two or more locking members. When the release device is operated, the two or more locking members move to release latching members that are fixed to a battery compartment cover thereby releasing the battery compartment cover from a mobile communications terminal body. Each of the release device and locking members are spring biased, and each of the locking members, when actuated, move in different directions. *See*, App. Figs. 5-8. Because the locking mechanism has two or more locking members, the battery compartment cover is more securely attached to the terminal body. For example, a failure of one of the locking members does not

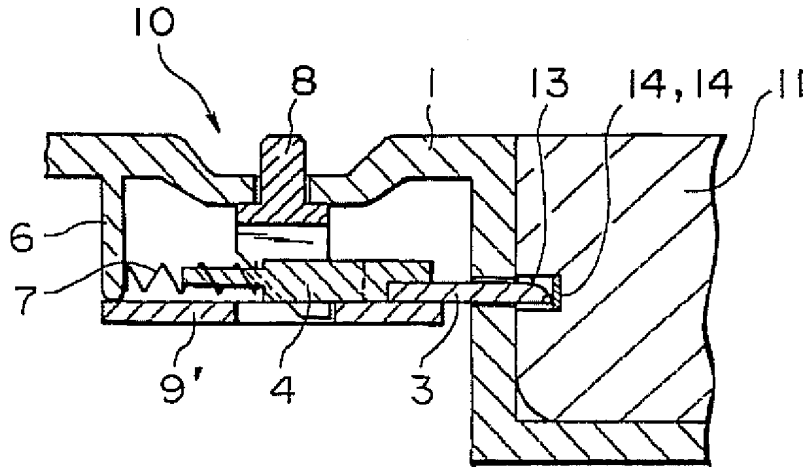
necessarily mean that the cover detaches from the terminal body, whereas, a locking mechanism having only a single locking member is subject to detaching the battery compartment cover is that single locking member fails. A further advantage of multiple locking members over a single locking member is that the battery compartment cover is secured at multiple locations, and that such a locking mechanism is more stable than one having but a single locking member.

Claim 1

Independent claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Deguchi. Deguchi is directed to a locking mechanism used for securing a battery compartment to a mobile communications body. Deguchi teaches a single locking member comprised of a slider 4 and contacts 3 (*see*, Fig. 7). The slider is operated by a release button 8, more particularly the inclined portion of the release button 8b interacting with a corresponding inclined portion of the slider. The Examiner has referred to Fig. 4, item 3 as being a "plurality of locking members." Applicant respectfully disagrees, and has reproduced Fig. 7 below for illustration.

Deguchi teaches "[t]he lock mechanism 10 causes a slider 4 provided in the telephone body 1 and having two conductive pins 3 at its distal end to project from or retract into the wall surface of the mounting portion 1a." *See*, col.4: 62-65. The conductive pins, a positive terminal and a negative terminal, make electrical contact with the battery when the battery is installed in the battery compartment. Deguchi's conductive pins are not analogous with the application's locking members, Deguchi's slider 4 is analogous to the application's locking member, and Deguchi teaches only a single slider, not a plurality of sliders.

FIG. 7



Depressing the release button 8 causes the locking member to slide and retract the contacts 3 from a recessed portion 13 of the battery case 11. Once the contacts 3 are fully retracted, the battery case 11 may be removed from the telephone body 1. *See*, Deguchi, col. 6: 6-24. The recessed portion 13 of the battery case is the equivalent of one of the application's latching members, and Deguchi teaches only a single recessed portion of the battery case.

As recited in claim 1 of the present application, the locking mechanism comprises a plurality of spring loaded locking members operated by a lock release device, wherein the plurality of locking members engage with a corresponding plurality of latching members. Figs. 5-8 of the application best show one embodiment of the invention.

FIG. 5

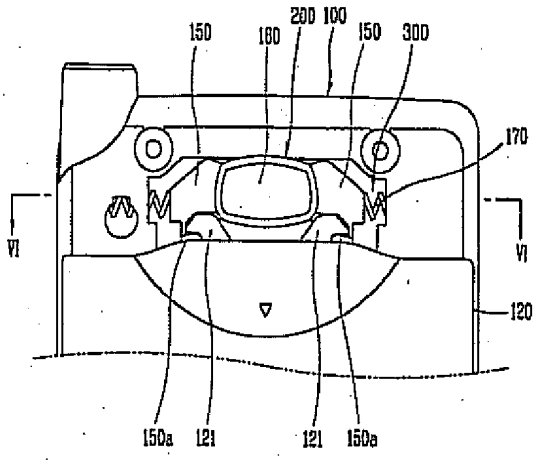


FIG. 7

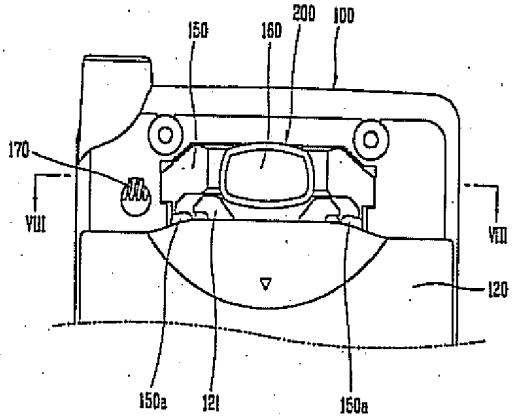


FIG. 6

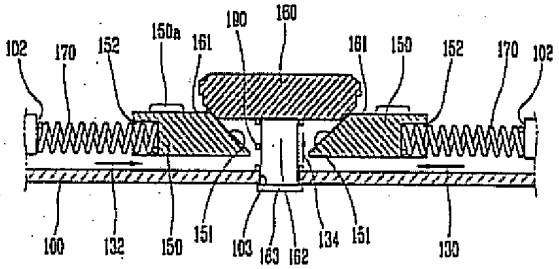
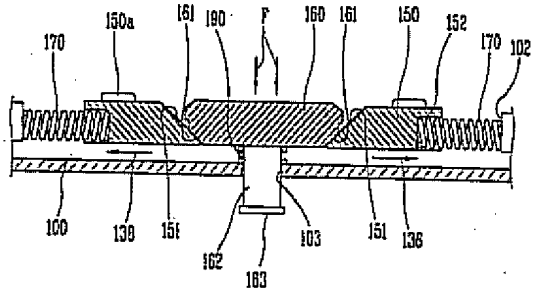


FIG. 8



Figs. 5 and 6 show each of two locking members 150 engaged with each of two latching members 121 when the lock release device 160 is in the normal (not depressed) position. Figs. 7 and 8 show the lock release device 160 depressed thereby disengaging each of two locking members 150 from each of two latching members 121. The battery compartment 120 of which the two latching members are attached is now released from the terminal body 100.

Because Deguchi teaches only a single locking member operated by a single lock release device, Deguchi does not teach the limitation of claim 1 wherein a single lock release device operates a plurality of locking members. Further, Deguchi teaches only a single latching member, not a plurality of latching members. Therefore Deguchi does not anticipate the invention of claim 1.

For at least this reason, Applicant asserts that independent claim 1 is patentable over Deguchi, and respectfully requests reconsideration and withdrawal of the rejection.

Claim 11

Claim 11 recites a first and a second spring loaded locking member, and a first and a second latching member. The first and second locking members are identified in Figs. 5-8 as element 150, and the first and second latching member are identified as element 150a. While claim 1 recites a plurality of locking and latching members, claim 11 recites a first and second locking member and a first and a second latching member. Again, Deguchi teaches only a single locking member and a single latching member, not a first and a second spring loaded locking member and a first and a second latching member. Therefore, for the reasons presented *supra*, Deguchi does not anticipate claim 11, and for at least this reason, claim 11 is patentable over Deguchi, and applicant respectfully request reconsideration and withdrawal of the rejection.

Dependent claims 4-9 and 12 -20

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable for at least this reason. Applicant respectfully requests reconsideration and withdrawal of the rejections.

§ 103(a) Rejection

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi in view of Jaster. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to

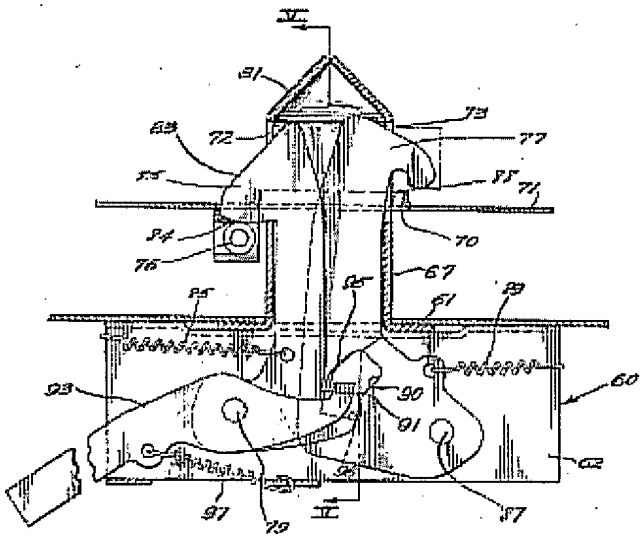
combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

Claim 18

The Examiner rejects claim 18 as being unpatentable over Deguchi in view of Jaster citing Jaster for the limitations of a latching assembly having two hooks biased by separate springs that move in two different directions and are controlled by a single release.

Claim 11, from which claim 18 depends recites the limitation "the lock release device is in partial frictional contact with the first and the second locking members under the spring bias of each of the locking members." This limitation is not taught nor reasonably suggested by Jaster. To the contrary, Jaster teaches that the lock release device is held in contact with the locking members by its own and separate bias spring, identified as element 97 in Fig. 4, reproduced below.

Fig 4



In the absence of bias spring 97, the lock release device 93 would not remain in contact with the locking members. In fact, the lock release device 93 would pivot away from the locking members about pivot 79.

The combination of Deguchi and Jaster fails to teach all the limitation of independent claim 11, and therefore all the limitations of claim 18 depending from claim 11, wherein "a lock release device operatively coupled to the first and the second locking members ..., wherein the lock release device is in partial frictional contact with the first and the second locking members under the spring bias of each of the locking members." Because all the limitations of claim 18 are not taught by Deguchi and Jaster, taken alone or in combination with each other, the prima *facie case* for obviousness must fail, and claim 18 is allowable over Deguchi and Jaster.

Applicant respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

Date: August 25, 2006

By: _____
Craig W. Schmoyer
Registration No. 51,007
Attorney for Applicant(s)

Customer No. 035884